

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are presently pending in this application, Claims 16-19 are canceled without prejudice, and Claims 1, 5 and 13-15 are amended. No new matter is added.

In the outstanding Office Action, Claims 13-14 were objected to because of informalities; Claim 15 was rejected under 35 U.S.C. §112, second paragraph, as indefinite; Claims 17 and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Ohkubo et al. (U.S. Patent 5,430,526) combined with Niimi (U.S. Publication 2002/0076633, hereinafter "Niimi '633"); Claims 17 and 18 were rejected under 35 U.S.C. §102(e) as anticipated by Niimi (U.S. Publication 2004-0033428, hereinafter "Niimi '428"); Claims 1, 2, 5, 7, 8, 10, 11 and 15-18 were rejected under 35 U.S.C. §102(e) as anticipated by Sugino et al. (U.S. Patent 6,853,823); Claims 1, 2 and 4-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Niimi (U.S. Patent 2003-0104295, hereinafter "Niimi '295") combined with Sakai et al. (U.S. Publication 2001-0022343); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Niimi '295 combined with Sakai et al., further combined with JP 11-140337 (hereinafter "JP '337") as evidenced by Ladd et al., "Structure Determination by X-ray Diffraction", p. 426 (hereinafter Ladd et al.); Claims 1, 2, 5-8, 10, 11 and 13-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Niimi '633 combined with Sakai et al.; Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Niimi '633 combined with Sakai et al., further combined with JP '377, as evidenced by Ladd et al.; Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Niimi '633 combined with Sakai et al., further combined with Niimi et al. (U.S. Publication 2002-0051654, hereinafter "Niimi '654"); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Niimi '633 combined with Sakai et al., further combined with Tokutake et al. (U.S. Patent 6,120,955); Claims 12

and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Niimi '633 combined with Sakai et al., further combined with Niimi '654; Claims 1-16 were rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over Claims 1-37 of U.S. patent No. 7,027,910 in view of Sakai et al.; Claims 1-3, 5, 6 and 9-18 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over Claims 1, 2 and 5-19 of co-pending Application 10/454,556 in view of Sakai et al.; and Claims 1-3, 5, 6 and 10-18 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over Claims 1-24 and 29-35 of co-pending Application 10/944,614 in view of Sakai et al.

Regarding the objection to Claims 13-14, Claims 13-14 are corrected to address the informalities. Thus, it is respectfully submitted that the objection is overcome.

Regarding the rejection under 35 U.S.C. §112, second paragraph, of Claim 15, Claim 15 is amended to clarify the claimed subject matter. Thus, it is respectfully submitted that the rejection under 35 U.S.C. §112, second paragraph, is overcome.

Regarding the rejection under 35 U.S.C. §102(e) and §103(a), Applicants respectfully submit that the rejection is overcome because, in Applicants' view, independent Claim 1 patentably distinguishes over the applied references as discussed below.

The outstanding Office Action states that the recitations of how fast the photoconductor moves from the light irradiator to the developer and of how much energy is required are merely functional language describing how the photoconductor and the light irradiator in the apparatus are intended to be employed (Office Action at page 25, line 18 through page 26, line 1).

However, Claim 1 is now amended to recite, *inter alia*, "a light irradiator, which irradiates a write light having a resolution of 600 dpi or greater to a surface of the electrophotographic photoconductor charged by the charger with an exposure energy of 5

erg/cm² or less, thereby forming a latent electrostatic image” and “a developer, which feeds a developing agent to the latent electrostatic image within 200 msec after the surface of the electrophotographic photoconductor was irradiated with the write light, thereby visualizing the latent electrostatic image to form a toner image,” to clarify the structural features of the invention recited in Claim 1.

In amended Claim 1, it is clear that the resolution (600 dpi or greater) and the exposure energy (5 erg/cm² or less) of the write light and the time limit (200 msec) for the developer to feed a developing agent to the latent electrostatic image are not mere parameters intended to be employed, but structural elements required for the claimed electrophotographic apparatus.

Instead, as suggested by the outstanding Office Action, all the prior art of record fail to teach or suggest at least “a light irradiator, which irradiates a write light having a resolution of 600 dpi or greater to a surface of the electrophotographic photoconductor charged by the charger with an exposure energy of 5 erg/cm² or less, thereby forming a latent electrostatic image” and “a developer, which feeds a developing agent to the latent electrostatic image within 200 msec after the surface of the electrophotographic photoconductor was irradiated with the write light, thereby visualizing the latent electrostatic image to form a toner image,” as recited in Claim 1.

Accordingly, independent Claim 1 patentably distinguishes over the applied references. Claims 2-15 are dependent from Claim 1. Therefore, Applicants respectfully submit that the rejection of Claims 1-18 under 35 U.S.C. §102(e) and §103(a) is overcome.

Regarding the double-patenting rejection, Applicants respectfully submit that Claims 1-37 of U.S. patent No. 7,027,910 fails to recite and Sakai et al. fails to teach or suggest at least “a light irradiator, which irradiates a write light having a resolution of 600 dpi or greater to a surface of the electrophotographic photoconductor charged by the charger with an

exposure energy of 5 erg/cm^2 or less, thereby forming a latent electrostatic image” and “a developer, which feeds a developing agent to the latent electrostatic image within 200 msec after the surface of the electrophotographic photoconductor was irradiated with the write light, thereby visualizing the latent electrostatic image to form a toner image,” as recited in Claim 1.

Thus, Applicants respectfully request withdrawal of the double-patenting rejection.


Regarding the provisional rejection on the ground of non-statutory obviousness-type double patenting, Applicants respectfully submit that co-pending Application 10/454,556 and co-pending Application 10/944,614 fail to recite and Sakai et al. fails to teach or suggest at least “a light irradiator, which irradiates a write light having a resolution of 600 dpi or greater to a surface of the electrophotographic photoconductor charged by the charger with an exposure energy of 5 erg/cm^2 or less, thereby forming a latent electrostatic image” and “a developer, which feeds a developing agent to the latent electrostatic image within 200 msec after the surface of the electrophotographic photoconductor was irradiated with the write light, thereby visualizing the latent electrostatic image to form a toner image,” as recited in Claim 1.

Thus, Applicants respectfully request withdrawal of the provisional double-patenting rejection.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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